FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1150 OF 2005
WITH
CRIMINAL APPLICATION NO.8026 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Deepak Girme & K.S.Patil for the applicant.

Ms.M.M.Mhatre, APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : FEBRUARY 8, 2006.

P.C.

1. Heard.

2. Admit.

Cri. Application No.8026/2005

1. This is an application for grant of bail. The appeal has been admitted on merits. The applicant has been convicted for an offence punishable under section 376 and 493 of the I.P.C. and the maximum sentence of 7 years has

been imposed upon the applicant. On perusal of the judgment, it indicates that the prosecutrix was admittedly a major and had been working as a dance artist with the applicant for long period of time. They have performed their programmes consistently together. The admitted position is that she was consenting party to the intercourse. However, her case was that she was rape at once before her marriage and on second occasion after second marriage was performed. There is no supporting medical evidence in the matter. In fact when the complainant lodged a police complaint, the same was not entertained by the police and thereafter private complaint was filed by the complainant. The applicant was also on bail in the trial court. There is no allegation of abuse of bail. Hence, during the pendency of the appeal, the applicant may be released on same bail as in the Trial Court subject to his furnishing fresh bail bonds. Application is disposed off

accordingly.

(R. S. MOHITE, J.)